

R E M A R K S

Claims 25, 26, 28, 32-35, and 41-53 are in this application. Claims 28, 30-31, and 36-40 are cancelled and claim 52 is withdrawn.

The Examiner has issued an Official Action requiring restriction between three groups of inventions. The groups identified by the Examiner are:

Group I: Claims 26-51 drawn to a pharmaceutical composition;

Group II: Claim 52 drawn to a process for making a pharmaceutical composition and

Group III: Claim 53 drawn to a method for treatment. devices.

Applicants respectfully traverse this restriction requirement.

It is respectfully requested that the claims of Groups I and III be examined together in this application. Claim 53 is drawn to a method of treatment comprising administering an effective amount of a pharmaceutical composition according to claim 26 to a subject in need thereof, therefore it is respectfully requested that this claim be examined together with claims 26-51 drawn to compositions. As the pharmaceutical compositions of claims 26-51 are patentable, the use of the pharmaceutical composition is patentable. The Examiner's comments regarding rejoinder are noted.

If the Examiner, does not agree that the claims of Groups I and III should be examined together in this application, then the claims of Group I, namely claims 26-51 are provisionally elected.

In regard to the requirement to elect a species, it is respectfully requested that in view of the cancellation of claims 36-40 that this requirement be withdrawn.

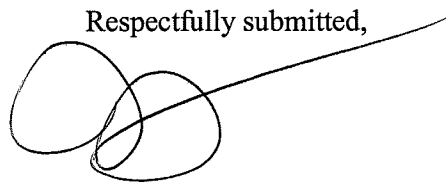
The Examiner states that the claimed pharmaceutical composition is not novel as evidenced by Beerse et al. (US patent 6,294,186). This is respectfully traversed. The '186 patent relates to preparation of antimicrobial compositions which provide enhanced immediate as well as residual

anti-viral and antibacterial efficacy. The compositions comprise: a) a safe and effective amount of a benzoic acid analog; b) a safe and effective amount of a metal salt; and c) a dermatologically acceptable carrier for the acid and salt wherein said composition has a pH of from about 1 to about 7. With regard to selection of lipophilic and hydrophilic surfactants, kindly note that the inventors of the present invention have surprisingly found that the compositions comprising a combination of a lipophilic and hydrophilic surfactant can gelate a combination of oily and lipophilic solvents (collectively referred to as 'solvent system') and incorporate sufficient amount of aqueous phase without changing the lipid microenvironment and gel architecture. The use of the compositions result in an enhanced localization of hydrophobic and/or amphiphilic active ingredient(s). In the present invention, the gelator components (**combination of surfactants**) provide gelation of the solvent system and thus form a three dimensional network. While not being bound to any theory, this is due to the fact that surfactant molecules have a tendency to associate in solvent environment leading to the formation of aggregates. These further associate with others through contact points, and thus three-dimensional networks are established, which immobilize the solvent system and acts as gel. The addition of aqueous components do not generally break these tubular and torroid structures and furthermore, the stabilizing agent (s) emulsify the excess oil, which has not been gelated during the process of gelation. Therefore, the claims are patentable over this reference.

All rights to file one or more divisional applications directed to the subject matter of the nonelected claims and/or any other subject matter disclosed in the specification are preserved.

Applicants submit that the present application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'C' that are interconnected, followed by a horizontal line extending to the right.

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